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LAW OFFICES

COHN AND MARKS

JOEL H. LEVY
ROBERT B. JACOBI
ROY R. RUSSO
RONALD A. SIEGEL
LAWRENCE N. COHN
RICHARD A. HELMICK
WAYNE COY, JR.
J. BRIAN DE BOICE

SUSAN V. SACHS
KEVIN M. GOLDBERG
JOSEPH M. DI SCIPIO

SUITE 300
1920 N STREET N.W.
WASHINGTON, D.C. 20036-1622

TELEPHONE (202) 293-3860
FACSIMILE (202) 293-4827
HOMEPAGE WWW.COHNMARKS.COM

OF COUNSEL
MARCUS COHN
LEONARD H. MARKS
STANLEY S. NEUSTADT
RICHARD M. SCHMIDT, JR.

DIRECT DIAL: (202) 452-4831
INTERNET ADDRESS: Rah@cohnmarks.com

June 17, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

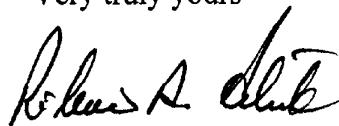
Ms. Magalie R. Salas
Secretary
Federal Communications Commission
Portals II, Filing Counter, TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

Re: **MM Docket No. 99-25**

Dear Ms. Salas

Submitted on behalf of Universal Broadcasting of New York, Inc., are an original and four copies of its Reply Comments in the above-captioned Notice of Proposed Rule Making; these reply comments are also being submitted on diskette in accordance with the Commission's directives for this proceeding.

Very truly yours



Richard A. Helmick

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JUN 17 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of)	MM Docket No. 99-25
)	
Creation of a Low Power)	RM-9208
Radio Service)	RM-9242
)	

To: The Commission

REPLY COMMENTS

Universal Broadcasting of New York, Inc. ("Universal"), through its counsel and pursuant to Sections 1.415 and 1.419 of the Commission's Rules, hereby responds to letter comments filed on May 18, 1999, and June 1, 1999, by Koteen & Naftalin, L.L.P. on behalf of, respectively, United States Senator Robert G. Torricelli (New Jersey) and United States Congressman Steven R. Rothman (9th District, New Jersey) in the above-captioned Notice of Proposed Rule Making. In support of thereof, Universal sets forth the following.

1. The comments of Senator Torricelli and Congressman Rothman are essentially identical and urge that (a) existing FM translators be given "grandfather" status and protected from interference caused by stations in the proposed Low Power FM service, (b) existing FM translators should be required to protect co-channel and first adjacent channel, but not second or third adjacent channel, stations from interference, (c) FM translators operating between 98.5 MHz and 107.9 MHz (Channels 253-300) should be exempt from the I.F. interference spacing requirements as to received

interference but not as to interference caused, and (d) existing FM translators licensed in counties where there is no licensed local commercial FM service (and where none can be allocated under the Commission's Rules) should be authorized to begin local origination of programming and increase power to the proposed level for LPFM 100 or LPFM 1000 stations, using a directional antenna, if necessary, to maximize coverage into such counties, provided that such FM translators comply with the non-technical rules applicable to full power FM stations.

2. The specificity of these comments is such that the Commission should examine not only whether such proposals would generally be in the public interest, but also whether any private interest would be advanced by these proposals. It should be no surprise that Senator Torricelli and Congressman Rothman's comments are primarily crafted to benefit a constituent rather than to advance the public interest; the real party in interest and beneficiary of such proposals is Gerard A. Turro, licensee of FM Translator W276AQ, Fort Lee, New Jersey, who is the subject of an on-going license revocation proceeding in MM Docket No. 97-122 and who is represented by Koteen & Naftalin.

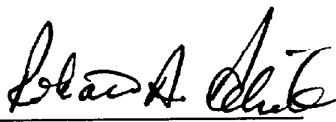
3. Congressional advocacy of Mr. Turro's interests by Senator Torricelli, Congressman Rothman and others before the Commission is a matter of record; for example, as a result of Senator Torricelli's discussions with then-General Counsel William E. Kennard during the confirmation process for his appointment to be Chairman of the Commission, Chairman Kennard has recused himself from any further participation in Gerard A. Turro, MM Docket No. 97-122 (see Attachment A).

4. Universal's comments do not suggest or imply that Senator Torricelli and Congressman Rothman's comments on behalf of the undisclosed interests of Mr. Turro are improper;

indeed, there is no requirement that comments in a general NPRM proceeding disclose the real party in interest. Accordingly, Universal's instant reply comments do not address the merits (or lack thereof) of Senator Torricelli and Congressman Rothman's comments, but, rather, are submitted solely for the purpose and belief that the Commission ought to know on whose behalf it is being persuaded.

Respectfully submitted

UNIVERSAL BROADCASTING OF NEW YORK, INC.

By: 

Richard A. Helmick

COHN AND MARKS

1920 N Street, N.W.
Suite 300
Washington, D.C. 20036

Its Attorneys

June 17, 1999



Federal Communications Commission
Washington, D.C. 20554

November 3, 1997

Alan Y. Naftalin, Esq.
Charles R. Naftalin, Esq.
Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

James P. Riley, Esq.
Fletcher, Heald, and Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Rosslyn, Virginia 22209

Roy R. Russo, Esq.
Richard A. Helmick, Esq.
Cohn & Marks
1333 New Hampshire Avenue, N.W.
Suite 600
Washington, D.C. 20036

Norman Goldstein, Esq.
Alan E. Aronowitz, Esq.
Suzan B. Friedman, Esq.
Enforcement Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.
Washington, D.C. 20554

Re: Gerard A. Turro, (MM Docket No. 97-122);
File Nos. BRFT-970129YC and BRFT-970129YD

Dear Counsel:

Enclosed is a memorandum dated October 31, 1997, from then-General Counsel William E. Kennard, and filed in accordance with Section 1.1212(b) of the Commission's Rules, 47 C.F.R. § 1.1212(b), that relates to an oral ex parte presentation in the above-referenced proceeding. Because the proceeding is restricted, oral ex parte presentations made without

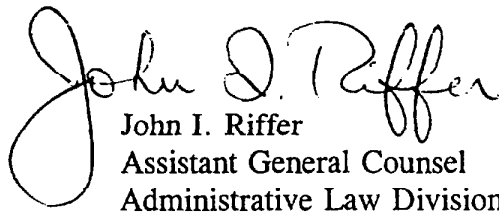
ATTACHMENT A

Alan Y. Naftalin, Esq.

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advance notice and an opportunity for all parties to be present are prohibited under the Commission's Rules. *See* 47 C.F.R. § 1.1208. Therefore, in accordance with Section 1.1212(e) of the Commission's Rules, 47 C.F.R. § 1.1212(e), notice and copies of that memorandum are being provided to all the parties to the proceeding. Additionally, in accordance with Section 1.1212(d) of the Rules, 47 C.F.R. § 1.1212(d), a copy of the October 31, 1997 memorandum, as well as a copy of this letter, shall be placed in a public file associated with, but not made a part of, the record in this proceeding.

Sincerely,


John I. Riffer
Assistant General Counsel
Administrative Law Division

Enclosure



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: John I. Riffer
Assistant General Counsel

FROM: William E. Kennard *(WEX)*
General Counsel

SUBJECT: Gerard A. Turro, MM Docket No. 97-122

DATE: October 31, 1997

This memorandum is filed pursuant to the requirements of 47 C.F.R. § 1.1212.

On October 28, 1997, from approximately 4:35 p.m. to about 4:50 p.m., Sheryl Wilkerson of my staff and I met with Senator Robert Torricelli and his staff in Senator Torricelli's office at the request of Senator Torricelli. In the course of a discussion mostly focused on the need for FM service in Bergen County, New Jersey, Senator Torricelli began to raise what appeared to be issues related to the Commission's pending hearing in MM Docket No. 97-122. I informed him that because this was a restricted proceeding, ex parte presentations are not permitted and therefore it would not be appropriate for us to discuss the merits of the case. In the course of the conversation, however, the issues became intertwined and, while again not mentioning this case by name, Senator Torricelli indicated, in reference to what appeared to be this case, that he believed a constituent was being treated unfairly by the FCC. He also indicated that he thought the FCC had made this case against his constituent a personal one. I indicated that while I couldn't address his concerns in the context of this case, I would work with him on his general concerns about the need for an FM station in Bergen County. While Ms. Wilkerson and I did briefly describe some of the publicly available facts and the procedural status of this proceeding, we did not make any comments on the merits.

Given that the issue of service to Bergen County and this pending case became intertwined in the discussion, and to avoid any appearance of impropriety, Ms. Wilkerson and I are recusing ourselves from further participation as decision-makers in the above-

captioned proceeding.

This statement was prepared at approximately 5:00 p.m. on October 30, 1997.

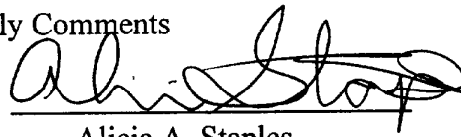
CERTIFICATE OF SERVICE

I, Alicia A. Staples, hereby certify that on June 17, 1999, a copy of the foregoing "Reply Comments" was sent by First Class mail, postage prepaid, to the following:

Mr. Paul A. Gordon*
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W., **Room 2-C223**
Washington, DC 20554

Charles R. Naftalin, Esq.
Koteen & Naftalin, L.L.P.
1150 Connecticut Avenue
Washington, D.C. 20036-4104

*By hand Delivery and with diskette of Reply Comments


Alicia A. Staples